

IN THE SUPREME COURT OF FLORIDA

LINDA DEROSIER SCHOONOVER

Petitioner,

vs.

CASE NO.: SC15-613

JUDICIAL QUALIFICATIONS COMMISSION,

Respondent.

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**OBJECTION TO PETITIONER'S MOTION FOR EXTENSION OF TIME  
TO FILE REPLY TO SPECIAL COUNSEL'S RESPONSE TO JUDGE  
LINDA D. SCHOONOVER'S PETITION FOR WRIT OF QUO  
WARRANTO AND PETITION FOR RELIEF PURSUANT TO THE ALL  
WRITS PROVISION OF THE FLORIDA CONSTITUTION AND RULE 21  
OF THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

1. Neither Special Counsel nor the Judicial Qualifications Commission (JQC) would ever oppose an extension that was reasonably sought. Nevertheless, Special Counsel files this Objection to Petitioner's request for an extension of time because: Judge Schoonover has continually delayed these proceedings and this is a further dilatory tactic to prevent the proceedings from moving forward; attorney Scott Millard did not consult with Special Counsel prior to this request as required by Florida Rule of Appellate Procedure 9.300(a); and Special Counsel is not aware of any authority which would allow attorney Scott Millard to specially appear for the sole purpose of requesting an extension, when Mr. Millard is the same counsel

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representing Judge Schoonover in the proceedings before the JQC.

2. On April 6, 2015, Judge Schoonover filed Judge Linda D. Schoonover's Petition for Writ of Quo Warranto and Petition for Relief Pursuant to the All Writs Provision of the Florida Constitution and Rule 21 of the Florida Judicial Qualifications Commission (hereinafter "Writ") at issue in this matter to prevent Special Counsel from obtaining her health records and to receive copies of confidential JQC complaints against her.

3. On April 6, 2015, Judge Schoonover also filed Judge Linda A. Schoonover's Motion to Stay All Proceedings Pending Review (hereinafter "Motion to Stay").

4. This court ordered a response to the Motion to Stay by April 24, 2015 and a response to the Writ by April 29, 2015, and allowed Judge Schoonover to reply by May 11, 2015.

5. Special Counsel timely filed a response to the Motion to Stay and a response to the Writ.

6. Judge Schoonover sought through "specially appearing" counsel an extension of one working day prior to the deadline of May 11, 2015. The "health" issues claimed as a basis for the extension have existed for over a month.

7. Special Counsel's response to the Motion to Stay clearly outlines the delay tactics Judge Schoonover has taken in this case. (See Special Counsel's Response to Judge Linda D. Schoonover's Motion to Stay All Proceedings Pending Motion filed April 24, 2015). Her dilatory tactics forced the Hearing Panel Chair to grant a continuance of the final hearing to August 17, 2015. The formal charges were filed on August 25, 2014, so this case will have been pending for close to a year if the final hearing occurs as scheduled.

8. Since filing the Response to the Stay, Judge Schoonover has presented the Hearing Panel Chair and Special Counsel with the doctor's notes that she filed as exhibits to her Motion for Extension of Time. This is one further effort to delay these proceedings.

9. It is critical to the citizens of this State for this JQC proceeding to move forward without any further delay, particularly because, as the notes indicate, Judge Schoonover is not performing her judicial duties. She has not reported to work since April 10, 2015. She has not identified a date when she will return to work. The issues presented in Judge Schoonover's Writ need to be resolved expeditiously, so that the JQC proceedings may move forward and the final hearing can occur as scheduled on August 17, 2015.

10. As recently as Friday, May 8, 2015, the Chief Judge of the Eighteenth Judicial Circuit was compelled to write to Judge Schoonover directing her to provide details of her illness and absence on a bi-weekly basis because the Eighteenth Judicial Circuit is at a loss to understand what she is doing. (*See* Exhibit “A”).

11. As the Hearing Panel Chair recognized at the status hearing on April 15, 2015, Judge Schoonover has resisted all efforts to move forward in this case by the Hearing Panel Chair and Special Counsel. (*See* paragraph 24 of Special Counsel's Response to Judge Linda D. Schoonover's Motion to Stay All Proceedings Pending Motion filed April 24, 2015).

WHEREFORE, Special Counsel regretfully but necessarily objects to any extension of time for Judge Schoonover's reply.

Respectfully submitted,

/s/Henry M. Coxe, III

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Scott G. Millard, attorney for The Honorable Linda D. Schoonover, [smillard@cohenbattisti.com](mailto:smillard@cohenbattisti.com); [erinlawrence@cohenbattisti.com](mailto:erinlawrence@cohenbattisti.com), Judge Linda D. Schoonover, [linda.schoonover@flcourts18.org](mailto:linda.schoonover@flcourts18.org), The Honorable Robert Morris, Florida Judicial Qualifications Commission Hearing Panel Chair, [morrisr@flcourts.org](mailto:morrisr@flcourts.org), Michael Schneider, General Counsel to the Judicial Qualifications Commission, [mschneider@floridajqc.com](mailto:mschneider@floridajqc.com), and Lauri Waldman Ross, Counsel to the Hearing Panel of the Florida Judicial Qualifications Commission, [rossgirten@laurilaw.com](mailto:rossgirten@laurilaw.com), this 11th day of May, 2015.

/s/ Henry M. Coxe, III

Attorney

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that pursuant to Florida Rules of Appellate Procedure 9.100(1) and 9.210(a)(2), Appellee's Initial Brief was prepared in Times New Roman 14-point font.

/s/Henry M. Cox, III

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